



Rep. Lisa M. Dugan

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09700SB3245ham001

LRB097 18348 JDS 68398 a

1 AMENDMENT TO SENATE BILL 3245

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3245 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Comptroller Act is amended by  
5 changing Section 10.10 as follows:

6 (15 ILCS 405/10.10) (from Ch. 15, par. 210.10)

7 Sec. 10.10. (a) If any comptroller's warrant is lost,  
8 mislaid or destroyed, or becomes void after issuance, so that  
9 it cannot be presented for payment by the person entitled  
10 thereto, the comptroller, at any time before that warrant is  
11 paid by the State Treasurer, but within 5 years of the date of  
12 issuance, may issue a replacement warrant to the person  
13 entitled thereto. If the original warrant was not cancelled or  
14 did not become void, the comptroller, before issuing the  
15 replacement warrant, shall issue a stop payment order on the  
16 State Treasurer and receive a confirmation of the stop payment

1 order on the original warrant from the State Treasurer.

2 (b) Only the person entitled to the original warrant, or  
3 his heirs or legal representatives, or a third party to whom it  
4 was properly negotiated or the heirs or legal representatives  
5 of such party, may request a replacement warrant. In the case  
6 of a warrant issued to a payee who dies before the warrant is  
7 paid by the State Treasurer and whose estate has been probated  
8 pursuant to law, the comptroller, upon receipt of a certified  
9 copy of a judicial order establishing the person or entity  
10 entitled to payment, may issue a replacement warrant to such  
11 person or entity.

12 (c) Within 12 months from the date of issuance of the  
13 original warrant, if the original warrant has not been canceled  
14 for redeposit, the comptroller may issue a replacement warrant  
15 on the original voucher drawing upon the same fund and charging  
16 the same appropriation or other expenditure authorization as  
17 the original warrant.

18 (d) Within 12 months from the date of issuance of the  
19 original warrant, if the original warrant has been canceled for  
20 redeposit, and if the issuance of the replacement warrant would  
21 not over-obligate the appropriation or other expenditure  
22 authority against which it is drawn, the comptroller may issue  
23 the replacement warrant. If the original warrant was issued  
24 against an appropriation or other expenditure authority which  
25 has lapsed, the replacement warrant shall be drawn on the  
26 Warrant Escheat Fund. If the appropriation or other

1 obligational authority against which the replacement warrant  
2 is drawn has not lapsed, the comptroller shall notify the  
3 originating agency of the request for a replacement warrant and  
4 shall receive a replacement voucher from that agency before  
5 drawing the replacement warrant, which shall be drawn on the  
6 same fund and charged to the same appropriation or other  
7 expenditure authority as the original warrant.

8 (e) Within 12 months from the date of issuance of the  
9 original warrant, if the original warrant has been canceled for  
10 redeposit, the comptroller may not issue a replacement warrant  
11 where such issuance would over-obligate the appropriation or  
12 other expenditure authority against which the original warrant  
13 was drawn. Whenever the comptroller is presented with a request  
14 for a replacement warrant which may not be issued under the  
15 limitation of this subsection, if the appropriation or other  
16 expenditure authority against which the original warrant was  
17 drawn has not lapsed, the comptroller shall immediately inform  
18 the originating agency of the request and that the request may  
19 not be honored because of the resulting over-obligation, and  
20 shall request the agency to determine whether or not that  
21 agency will take some corrective action before the applicable  
22 expenditure authorization lapses. The originating agency shall  
23 respond to the comptroller's inquiry within 5 business days.

24 (f) After 12 months from the date of issuance of the  
25 original warrant, if the original warrant has not been  
26 cancelled for redeposit, the comptroller shall issue the

1 replacement warrant on the Warrant Escheat Fund.

2 (f-5) Notwithstanding any other provision of this Section,  
3 after 5 years from the date of issuance of the original  
4 warrant, the comptroller may issue a replacement warrant on the  
5 Warrant Escheat Fund to a person or entity entitled thereto, as  
6 those persons and entities are described in subsection (b) of  
7 this Section, if the following requirements are met:

8 (1) the person or entity verifies that they are  
9 entitled to the original warrant;

10 (2) in the case where the original warrant is not  
11 presented by the requestor, the paying agency certifies  
12 that the original payee is still entitled to the payment;  
13 and

14 (3) the comptroller's records are available and  
15 confirm that the warrant was not replaced.

16 (g) Except as provided in this Section, requests for  
17 replacement warrants for more than \$500 shall show entitlement  
18 to such warrant by including an affidavit, in writing, sworn  
19 before a person authorized to administer oaths and  
20 affirmations, stating the loss or destruction of the warrant,  
21 or the fact that the warrant is void. However, when the written  
22 request for a replacement warrant submitted by the person to  
23 whom the original warrant was issued is accompanied by the  
24 original warrant, no affidavit is required. Requests for  
25 replacement warrants for \$500 or less shall show entitlement to  
26 such warrant by submitting a written statement of the loss or

1 destruction of the warrant, or the fact that the warrant is  
2 void on an application form prescribed by the Comptroller. If  
3 the person requesting the replacement is in possession of the  
4 original warrant, or any part thereof, the original warrant or  
5 the part thereof must accompany the request for replacement.  
6 The comptroller shall then draw such replacement warrant, and  
7 the treasurer shall pay the replacement warrant. If at the time  
8 of a loss or destruction a warrant was negotiated to a third  
9 party, however (which fact shall be ascertained by the oath of  
10 the party making the application, or otherwise), before the  
11 replacement warrant is drawn by the comptroller, the person  
12 requesting the replacement warrant must give the comptroller a  
13 bond or bonds with sufficient sureties, to be approved by the  
14 comptroller, when required by regulation of the comptroller,  
15 payable to the People of the State of Illinois, for the  
16 refunding of the amount, together with all costs and charges,  
17 should the State afterwards be compelled to pay the original  
18 warrant.

19 (Source: P.A. 89-285, eff. 1-1-96.)

20 (15 ILCS 405/10.13 rep.)

21 Section 10. The State Comptroller Act is amended by  
22 repealing Section 10.13.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."